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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8358

UNITED STATES OF AMERICA Plaintiff, v. "J.A.R." "A.F.C.M." Evelia MELLADO-Guzman Maribel MONTIEL-Varillas Material Witnesses.	Magistrate No. COMPLAINT FOR VIOLATION OF: Title 18 U.S.C. § 3144 F.R.Crim.P. [Material Witness]

The undersigned complainant being duly sworn states:

That on or about April 25, 2008, within the Southern District of California, Material Witnesses, "J.A.R.", "A.F.C.M.", Evelia MELLADO-Guzman and Maribel MONTIEL-Varillas are witnesses in support of the petition alleging "P.I.O." was bringing four illegal aliens into the United States for financial gain, in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii). The Material Witnesses testimony is essential to support the petition in the State of California Juvenile Court against the minor and whose whereabouts at the time of jurisdictional trial will be a foreign country, or unknown, a warrant for his arrest should be issued, and he should be detained until his testimony can be secured.

The affiant further alleges that the above-referenced material witnesses are citizens and natives of Mexico with no legal right to remain in the United States, and have no apparent means of support or family ties. Therefore, the above-referenced material witnesses are material witnesses under Title 18, United States Code, Section 3144.

This complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

MARCO A. MIRANDA
Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28TH DAY OF APRIL, 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

MATERIAL WITNESSES

"J.A.R." (1),
A.F.C.M. (2),
Evelian MELLADO-Guzman (3),
Maribel MONTIEL-Varillas (4),

STATEMENT OF FACTS

Marco A. Miranda, being duly sworn, deposes and says:

1. I am a Border Patrol Agent with the United States Border Patrol, assigned to the El Centro Sector Prosecutions Unit. This affidavit is made in support of a material witness complaint pursuant to Title 18, United States Code, Section 3144, for "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman and Maribel MONTIEL-Varillas. This application seeks the witnesses detention so their testimony may be secured for trial in the Southern District of California.

2. The United States Government has indicted "P.I.O." (juvenile), within the State of California's Court system for the violations of Title 8, United States Code, Section 1324, Transportation of Illegal Aliens within the Southern District of California.

3. On April 25, 2008, Border Patrol Agents of the El Centro Sector encountered "P.I.O." as he attempted to transport four illegal aliens.

4. At approximately 9:00 A.M. El Centro Agents received information that an unknown vehicle had possibly picked up six illegal aliens near Exit 6 and Highway 98.

5. Agent O. Soberanes observed a white 1999 Ford Taurus traveling eastbound on Highway 98. The vehicle had two visible occupants and appeared to be heavily laden. Agent Soberanes attempted to perform a

vehicle stop, but the white Ford Taurus failed to yield. Agent Soberanes terminated the pursuit, but maintained a visual of the vehicle. Agent J. Vera responded to the area and followed the Taurus as it pulled into the east parking lot of Bucklin Park.

6. Material Witnesses to the incident are able to provide identification of the principal, "P.I.O.". The Material Witnesses, are also able to provide significant testimony which would collaborate the statements of the agents.

7. Based on the foregoing, I respectfully submit testimony from "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman and Maribel MONTIEL-Varillas at trial will be material.

8. In addition, it will be impractical to secure the presence of "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman and Maribel MONTIEL-Varillas by subpoena for the following reasons:

a. "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman and Maribel MONTIEL-Varillas are not citizens of the United States and currently reside in Mexico with family.

B. "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman and Maribel MONTIEL-Varillas do not posses any immigration document to be, reside, or live in the United States lawfully.

C. "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman and Maribel MONTIEL-Varillas have an incentive to avoid coming to the United States and appearing in court as government witnesses as they were trying to illegally enter the United States without properly filing for admittance.

9. I believe that based on the facts set out above, there is no

condition or combination of conditions that would reasonably assure the appearance of "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman and Maribel MONTIEL-Varillas. Accordingly, I respectfully request that a complaint be issued for "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman and Maribel MONTIEL-Varillas.

Wherefore your affiant prays that the Court issue a material witness warrant for "J.A.R.", "A.F.C.M.", Evelina MELLADO-Guzman and Maribel MONTIEL-Varillas, and they be imprisoned or bailed as the case may be.